IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

WP(C).No. 38280 of 2003(F)

PETITIONER:

DAVID LIVINGSTON, RESIDING AT
ROHINI GARDENS, PATTOM, THIRUVANANTHAPURAM.

BY ADV. SRI.K.B.PRADEEP

RESPONDENTS:

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1. N.DIVAKARAN, S/O.LATE NARAYANAN,
RESIDING AT KARUMKALI VEEDU,
MANNANTHALA P.O., MANNANTHALA,
THIRUVANANTHAPURAM.

2. CHANDRIKA KUMARI, W/O.DIVAKARAN,
RESIDING AT KARUMKALIL VEEDU,
MANNANTHALA P.O., MANNANTHALA,
THIRUVANANTHAPURAM.

BY ADV. SRI.V.SURESH (FOR R1 & R2)
SRI.G.SUDHEER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE AMENDMENT PETITION DATED 9.11.2000 FILED BY THE RESPONDENTS IN I.A. NO.10154 OF 2000 IN O.S. NO.545 OF 1998 BEFORE THE MUNSIFF'S COURT, THIRUVANANTHAPURAM.

EXT. P2: COPY OF THE COUNTER AFFIDAVIT DATED 10.1.2001 FILED BY THE PETITIONER IN EXT.P1.

EXT. P3: COPY OF THE ORDER DATED 30.9.2002 IN EXT. P1.

/TRUE COPY/

P.A. TO JUDGE

JP

M.N. KRISHNAN, J.

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W.P.C. NO. 38280 OF 2003

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Dated this the 29th day of October, 2007.

J U D G M E N T

This writ petition is filed challenging Ext.P3 order in I.A.10154/00 in O.S.545/98. The plaintiff moved an application for amendment whereby it is prayed that the Survey No. may be amended as 368/16 instead of 368/22-1. The learned counsel for the writ petitioner would submit that 368/22-1 is the Survey No. shown in the document obtained by the plaintiff in the case and their case now appears to be that it is a mistake and they had approached the authorities for correction. These are all matters which has to be considered by the Court at a later stage. Here, now the property claimed by the plaintiff is one and the same and if the plaintiff ultimately succeeds by producing documentary evidence to the satisfaction of the Court that it is comprised in 368/22-16, he may be entitled to the relief, otherwise not. By allowing the amendment application the Court does not

declare that he is having property in the said Survey number. I also make it clear that by allowing the amendment application, it shall not be taken by any authorities that the Court has given any direction to correct the number. The defendant is at liberty to file additional written statement, if any, already filed raising all contentions and the Court has to consider the case of both the parties and dispose it of in accordance with law.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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